

**OPINION**  
**57-160**

September 4, 1957            (OPINION)

SALES

RE: Auction - License - Church Sale

I am in receipt of your letter of September 3, 1957, in which you request an opinion for the Public Service Commission on the question of whether a person who conducts an auction without making any charge for his services is subject to the provisions of Chapter 323 of the 1957 Session Laws. More particularly, your question is whether a person who auctions off "fancy work" at a church sale without remuneration is subject to this chapter.

Answering your question, I would say that it is my opinion that this legislative enactment, namely, Chapter 323 of the 1957 Session Laws, was intended to apply to auctioneers who operate in the sale of merchandise and commodities in the commercial field. It would be my judgment that the fact a man conducted a sale without making any charge would not exempt him from buying an auctioneer's license. However, it does not appear to me that the sale of "fancy work" at a church sale, without charging for services as an auctioneer, would come within the legislative intent in the enactment of this law. The proceeds of the sale would undoubtedly go to the church and the auctioneer would simply be donating his services to the cause. As stated above, I do not think that sale of this type would come within the scope of this law.

LESLIE R. BURGUM

Attorney General